

FAQS

Question:

The Maritime Identification Credential notice published in the Federal Register on April 28, 2006, prescribes screening/vetting of “facility employees.” Facility employees, for the purposes of the notice, “include all permanent employees and long term contractors. Contractors are considered to be long term if they need regular access to the facility for a period in excess of 90 days.”

Can you provide examples of who would be considered a “facility employee” or “long term contractor,” who must be screened and those who would not need to be screened?

Response:

A facility employee, required to be screened, is **any** individual whose permanent and principle place of employment is located within the physical confines of a 33 CFR Part 105 facility; and whose access to that facility is currently being controlled in accordance with an approved Facility Security Plan.

An individual, required to be screened, need not be an employee of the facility owner/operator, e. g., a tenant located at the facility. It is only required that the location of their permanent and principle place of employment is located within the physical confines of the 33 CFR Part 105 facility.

Company employees of the facility owner/operator and others whose permanent and principle place of employment is not located within the physical confines of the 33 CFR Part 105 facility and who do not regularly frequent the facility, < 90 days cumulatively within a 12 month period, are not required to be screened. Access control to the facility for these employees and other individuals will continue to be in accordance with the approved Facility Security Plan.

Unionized longshoremen who work at 33CFR Part 105 facilities are treated as long term contractors for the purposes of the Notice and are required to be screened.

Long term contractors, such as security guards, laborers, trash collectors, contracted pick-up and delivery service workers, with a need for regular access to a specific 33 CFR Part 105 facility for a period in excess of 90 days, cumulatively within a 12 month period, are required to be screened.

Truck drivers are not required to be screened unless they are a) facility employees or b) long term contractors of a specific 33 CFR Part 105 facility. A truck driver who is a long term contractor of a specific 33 CFR Part 105 facility, with a need for regular access in excess of 90 days cumulatively, within a 12 month period, is required to be screened. However, a truck driver who is deemed a facility employee or a long term contractor of a specific 33 CFR Part 105 facility who holds a Commercial Driver's License (CDL) with a valid Hazardous Materials Endorsement (HME) is not required to be screened, as they have been screened previously in order to obtain the endorsement.

An individual who is deemed as a facility employee, or long term contractor, and holds a valid Merchant Mariner's Document (MMD) issued after May 31, 2005 is not required to be screened as they have been previously screened in order to obtain the document.

Law enforcement officials, either directly employed by the facility or acting in their official capacity are not required to be vetted.

Question:

My company owns a number of 33 CFR Part 105 facilities which will require that many individuals be screened. Can we make one submission for all our facilities or must there be a submission of the facility employees and long term contractors working at each individual site?

Response:

A submission must be made on behalf of each individual 33 CFR Part 105 facility of the facility employees and long term contractors associated with that particular facility. In the case of some facility employees and long term contractors, who frequent multiple facilities > 90 days cumulatively within a 12 month period, it is recognized that duplicate submissions will be made.

Question:

The Federal Register Notice states that TSA will make notifications to the facility or union and the local Captain of the Port (COTP) for the Immediate Revocation of Access Privileges or upon a Final Determination of Threat Assessment. What form will this notification take?

Response:

A letter will be sent from TSA to the facility or union with a copy to the COTP. In certain cases of Immediate Revocation of Access Privileges, TSA may elect to use more expedient methods of notification.

Question:

I am having difficulty using Homeport to submit my facility employee or union member information. Who can I contact for help?

Response:

For assistance using Homeport, contact the Help Desk at 304-262-5971.

Question:

Every day a number of individuals regularly transit my 33 CFR Part 105 facility in order to gain access to vessels where they are employed. Must I have these individuals vetted?

Response:

No. For the purposes of this Notice these individuals would not be considered “facility employees” or long term contractors of the facility and are not required to be submitted for vetting. They will continue to be handled as stipulated in the facility’s approved Facility Security Plan.

Question:

The Federal Register Notice states that, “...facility operators or unions must provide, on a continuing basis, the above-listed information for all new facility employees (long term contractors) and longshoremen in a *timely manner* using the mechanisms listed above.” What is considered a “*timely manner*”?

Response:

Consistent with the time constraints described in the Notice, the information for new facility employees, to include long term contractors and longshoremen, must be submitted for vetting within 30 days of the date that initial access authorization to the 33 CFR Part 105 facility is granted. No later than 60 days from the date that initial access authorization to the 33 CFR Part 105 facility is granted, the individual will be required to be identified by means of one of the forms of identification listed in the Notice.

Question:

Information on Social Security numbers is described as “optional.” Is the submission of Social Security numbers truly optional and what impact would the lack of a Social Security number have on the interim vetting process?

Response:

The submission of Social Security numbers for employees/members is truly optional. In accordance with the Privacy Act, that information can not be required without an individual’s permission except under specific circumstances. For the purposes of this interim vetting, the Social Security number is useful to positively eliminate an individual if their name hits against the Terrorist Watch List incorrectly. Without the

number, it will take additional investigation to make sure unintended individuals are not impacted because of a possible match against the List. In some cases, it may be impossible to clear a name absolutely by way of investigation and without the Social Security information. That individual's access to regulated facilities may be denied after an investigation pending a positive determination of identity.

Sec. 7(a) (1) "It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to--

(A) any disclosure which is required by Federal statute, or

(B) any disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any Federal, State or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it."

Question:

The Federal Register Notice of April 28th states: “Additionally, DHS may share the information with facility operators, Longshore unions, and law enforcement or other government agencies necessary to respond to potential or actual threats to transportation security, or pursuant to its published Privacy Act system of records notice.”

Will information I provide, such as my social security number, be shared with a Longshore union even though I am not a member?

Response:

No. Other than the facility operator or Longshore union that an individual initially authorized their information to be submitted by to TSA, information, such as a Social Security number, will not be shared with facility operators or Longshore unions. As necessary, TSA may share submitted information with the Captain of the Port (COTP), law enforcement or other government agencies.